

REMARKS

I. Claim Status

Claims 26-27 and 29-32 are pending and under examination. Claims 26-27 and 30-32 have been amended. Reconsideration of the pending claims in view of the following arguments and remarks is respectfully requested.

II. Objection to the Specification

The Examiner has objected to the specification as containing embedded hyperlinks and/or other forms of browser executable code, such as that contained on pages 17, line 34; page 18 at line 16 and page 19 at line 17. In response, Applicants have amended paragraphs 62-63, 67-68, and 251-252, numbered with reference to the published application US 20040171116 to omit reference to the hyperlinks. Thus, it is believed that the basis for the objection has been obviated. Applicants respectfully request that the objection be withdrawn.

IV. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 26-27 and 29-32 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 26-27, the Examiner states that reciting various properties of the protein variants is redundant in view of the recitation of SEQ ID NO: 2 or SEQ ID NO:3. In response, claims 26-27 have been amended to delete recitation of such properties.

With regard to claim 29, the Examiner states that the term "homologous" is interpreted to be equivalent to the term "identical" and therefore, the term "homologous" should be deleted. Applicants respectfully note that the terms "homologous" and "identical" in the context of protein sequences are not understood by those skilled in the art to be equivalent terms. This understanding is reflected in the definition of "homologous" provided in the specification at paragraph 189 of the published application:

[189] Homologous amino acid residues: Homologous amino acid residues are characterised by sharing essentially the same chemical features. An example of grouping amino acids is to characterize Ala, Val, Leu, Ile, and sometimes Gly and Pro as "aliphatic residues". Other "groups" include hydroxyl residues (Ser and Thr), acidic residues (Asp and Glu), amide residues (Asn and Gln), basic residues (Lys and Arg),

and the aromatic residues (Phe, Tyr, and Trp). Other groupings of amino acids into groups sharing similar chemical characteristics are of course possible, e.g. division of amino acids into hydrophobic and hydrophilic residues.

The term "homologous" is distinguished from "identical" in this manner throughout the specification, and in particular at paragraph 234 where Applicants state: "... in which residues are substituted to residues that are homologous, or more preferably, identical to corresponding amino acid residues." Therefore, the term "homologous" is not equivalent to "identical" and as such is not redundant as recited in claim 29.

The Examiner states that claims 30-32 recite primary and secondary mutations with reference to particular sequence locations and while they recite an accession number, they do not recite a SEQ ID NO reference. In response, Applicants have amended claims 30-32 to recite SEQ ID NO:4 following the Accession No. T14325. Support for this amendment may be found in the Sequence Listing and in the sequence corresponding to Accession No. T14325.

Thus, it is believed that all of the bases for the rejections of claims 26-27 and 29-32 under 35 U.S.C. §112, second paragraph have been obviated. Applicants respectfully request that the rejections of claims 26-27 and 29-32 be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. Applicants reserve the right to pursue the canceled and/or non-elected subject matter in one or more continuation or divisional applications.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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